

Before the

**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of  
The Future of Media and Information  
Needs of Communities in a Digital Age

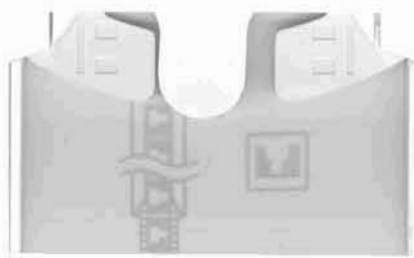
GN Docket No. 10-25]

**Comments Access Fort Wayne**

**I. Introduction**

Access Fort Wayne files these comments in support of the Comments of the Alliance for Community Media and the National Association of Telecommunications Officers and Advisors and to thank the Federal Communications Commission ("Commission") for recognizing that Public, Educational and Governmental ("PEG" or "public access") channels must be part of any discussion on the future of media and information needs of communities in a digital age. Access Fort Wayne is the public and government community media center for the city of Fort Wayne and Allen County Indiana. We provide studios, portable equipment, editing facilities and staff assistance for our local residents to produce local programming that informs and educates community members about the issues they face along with discussing solutions.

PEG channels fill unique community needs such as local Spanish programs and Burmese programming. Allen County has one of the largest populations of Burmese in the United States and it is through our facilities that they can educate our community to foster a better



understanding in the spirit of diversity. We continually produce programming that is either in a pre-taped or live call in format to give our residents the opportunity to express their ideas, talent or opinions. While our local broadcast stations will sometimes air a 30 second video clip of a particular non-profit, our local producers create programs of ½ an hour to one hour long and this gives people the chance to honestly and deeply discuss matter of importance. Unless the Commission actively encourages development of public access, there is no guarantee that public access will remain in our future. In these comments we will answer the specific questions posed in Question 27 of the Public Notice regarding PEG. These comments contain two sections. First, we will share a common message that we, as members of the Alliance for Community Media, feel is imperative to call to the Commission's attention. Next, we will offer insights specific to our community to support our answers to Question 27.

## **II. Summary of Challenges**

PEG is currently facing significant challenges that include but are not limited to:

- Operators abusing state franchise legislation to limit or sunset traditional sources of PEG support, resulting in PEG centers closing across the nation;
- Operators employing state franchise laws to limit or sunset the availability of PEG channels, resulting in community voices being silenced;
- Operators refusing to treat PEG channels in the same way they treat local broadcast channels, resulting in the loss of audience and shared community communications.

Among the practices that have made it more difficult for consumers to find and view

PEG channels are: operators that move channels them to less desirable channel

locations, operators that require consumers to obtain additional equipment to view PEG



channels, or operators that aggregate PEG channels on a technically deficient video stream, which lacks the functionality of commercial channels; and

- The Commission's delay in addressing a number of PEG community petitions for declaratory rulings to restrict the above complained of industry practices.

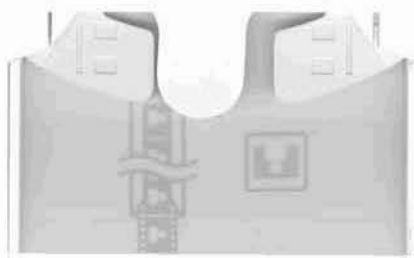
The Commission must understand that its inaction as much as the abusive actions of others is jeopardizing the future of community programming. The Commission was once the champion of community programming, and we hope that this docket signals the Commission's return to that role.

### **III. Responses to Specific PEG Questions Posed by the Commission:**

Access Fort Wayne offers the following answers to the specific questions outlined in the FCC's Public Notice.

- A. PEG channels are being used to effectively provide useful news and information to our community, but are threatened by industry practices and naïve state franchising legislation.**

PEG channels are being used effectively in our community. For example, even though there are five local broadcast stations in the Allen County area, none of them offer any local programming besides a nightly 22 minute news program. Access Fort Wayne provides uncensored local government meetings on our government access channel City TV. Council members have live call in programs for constituents to participate in and viewership surveys



have shown that the most often watched programming is the city council meetings. Beside the programs created for the growing diverse community as mentioned earlier, Access Fort Wayne's two public access channels are showing locally produced shows almost 24 hours every day, each week. When we are not showing programming our community calendars are providing information. We are heavily utilized by our local residents and Comcast Cablevision's own survey showed that given the chance to delete a cable channel from their line up, only 1% would give up the PEG channels. They were valued as much as CNN, HBO and other national outlets. Because our PEG channels are programmed by the local community, Access Fort Wayne would answer the Commission's inquiry whether "[PEG] channels [are] being used as effectively as possible for the provision of useful news and information to communities" by emphatically saying, "yes!" Own community has shown by its support, encouragement and through sheer numbers that they value the service we provide for them.

Access Fort Wayne appreciates that programming could always be more effective if more of the population involves itself in the programming decisions. More efforts could be made in this regard if programmers were assured funding and our channels were not subject to industry efforts to marginalize our programming, for example by moving our channels around, requiring consumers to purchase/lease equipment to see our channels, or aggregating and streaming our channels with limited functionality.



**B. PEG channels have evolved over time to retain their effectiveness and must continue to evolve to ensure effectiveness in the digital future**

In response to the Commission's inquiry as to "How has the role of PEG channels changed over time, and how could their effectiveness be improved?" Access Fort Wayne offers the following:

PEG channels and PEG operators have evolved to adapt and meet the needs and interests of the local community. In the case of Access Fort Wayne, the programming has obviously changed with the addition of emigrate populations that have grown over the years. As the technological abilities of our staff and volunteers have increased, so have both the quality and the quantity of programming. Our producers, in some cases may have cameras and computer based editing at home, but they also know in order to be seen locally they can bring their programming to the facility to be shown, not just simply choosing to upload it to YouTube as some national corporations have suggested. These producers realize that they can reach the community they live in by bringing their programming to the station to be shown and reach more than 90,000 homes.

The bottom line on all these changes is that our PEG programming and PEG operations have evolved to ensure that they remain current and relevant in the life of our community.

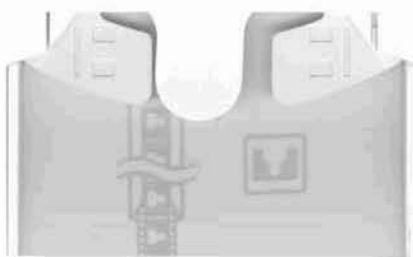


**C. Operators have employed statewide franchising regimes to negatively impact the number, composition and funding of PEG channels.**

Laws imposing statewide franchising regimes have been devastating to PEG channels and PEG Centers. Some state franchising laws limit PEG channels to the maintenance of current channels regardless of future community needs or technological advancements. The worst state franchising laws sunset or outright eliminate PEG channels and PEG funding support.

In those states that preserve the number of PEG channels, the funding for PEG operations has typically been cut dramatically. And where PEG funding is available, the options that local franchising provided to use funds for operations by mutual consent no longer exists in light of the definitions outlined in the Commission's Section 621 order.

In our state, HEA 1279, the state franchising law went into effect on July 1, 2006. Access Fort Wayne, the City of Fort Wayne and Allen County were just about to initiate renewal proceedings with Comcast as had been done in previous years. These 15 year contract negotiations gave cities and communities the opportunity to evaluate the level of support for the PEG channels from the cable operator along with understanding the technological changes that had occurred in the telecommunications industry. Since the law passed, Access Fort Wayne lost the opportunity to secure \$800,000 to be paid out over a 15 year period. Worse, even though the state franchising bill stated the local cable operators (Comcast and Verizon) had to pay the same funding as past agreements negotiated, both operators denied funding to Access Fort Wayne. The only recourse was through the Indiana Utility Regulatory Commission. The

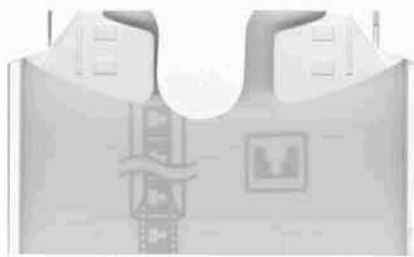


IURC failed to intervene, saying they did not have the authority under the current bill to effectively act on anyone's behalf.

With the adoption of HEA 1279, PEG channels have closed in the Indiana cities of Valparaiso, La Porte, Hammond, Merrillville, South Bend, Mishawaka, Elkhart, Goshen, Muncie, Lafayette, West Lafayette and Vincennes. In the only remaining cities with PEG facilities such as Fort Wayne, Bloomington and Indianapolis have lost thousands of dollars to replace equipment that was negotiated in good faith 15 years ago.

**D. Operators have frustrated the intent of state franchising regimes in that they have not provided robust consumer choice, but have dramatically undermined PEG channels and PEG operations**

The rationale for state franchising was ostensibly to promote the greater competition and lower consumer prices. This experiment has failed however, and PEG programming and PEG operations have suffered greatly as a result of this failed experiment. This should not be a surprise. Because state franchises are standardized and not negotiated to meet community needs, the states have imposed a "one size fits all" program. The result is that many communities have no real opportunity to have their PEG needs met. Additionally, the strength of the various Cable Acts was that it was flexible in permitting communities to demand more as their needs increased. The inflexible approach taken by state franchising laws is antithetical to the notion in the Cable Act (and implicit in this proceeding on the future of media) that community needs change over time.

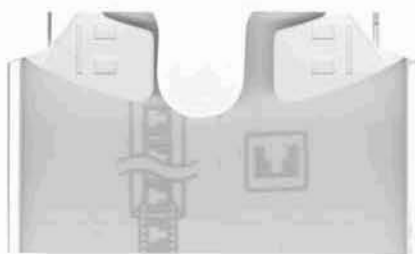


While our state bill HEA 1279 was to provide for competition, in the final analysis we have only seen competition for subscribers between two operators and there has been no, no actual reduction of the price of cable television. It has remained stagnate and the same between these companies.

**E. The digital age will offers opportunities to supplement PEG channels; however these digital advances cannot supplant the need for PEG channels.**

Some argue that YouTube, the establishment of personal and public web pages and social websites, render traditional mass media unnecessary. These arguments are most often made by industry and their champions as a justification for escaping public obligations, and are a misrepresentation of the media landscape. It is interesting to note that while making these arguments, commercial interests are not abandoning the television platforms for the Internet. Commercial providers recognize that in an information economy, the ability to distribute by multiple means is the only way to serve the interests of your audience. What should community providers be denied their ability to continue to reach their audience in a format of the viewer's choosing?

New delivery platforms do not render traditional platforms obsolete. They allow consumers to choose the means by which they receive information – and to allow each individual consumer to make different choices at different times. The model is not displacement but “information everywhere.” Should a content provider or “speaker” be limited to one platform – be it the Internet, or mobile applications, or traditional broadcast channels – a significant portion of the

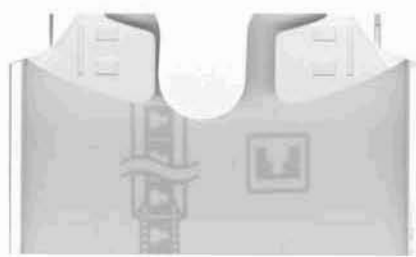




audience will not be reached. Today, the most effective and perhaps only means to the poor and non-English speaking audiences, communities that rely heavily on public, educational and government programming is by means of the television. The same is true of public participation in PEG programming. If the only way to speak is via the Internet, groups who wish to reach a mass audience on an issue of local public importance may not be able to communicate effectively. But the Commission is already well aware of this challenge following its hearings on localism.

Finally, community programming relies not only on programming outlets, but on programming centers. Even in the digital age there continues to be a strong need for public places where consumers can both receive and create appropriate local information that can be easily found. PEG operations ensure that there is a well-funded “public space” that consumers can easily reach across all media.

Access Fort Wayne is an actual department of the Allen County Public Library, located at the main branch in the downtown area. As such, we are more than just an “equipment based” facility; we also provide a public space for people to congregate to discuss their ideas, meet other cultures and engage on a personal level with others who live in the community. People gather here to create and/ or submit programming, and yet the most direct impact has been their connections with their fellow community members. The stories of people and cultures are what create understanding and promote diversity.



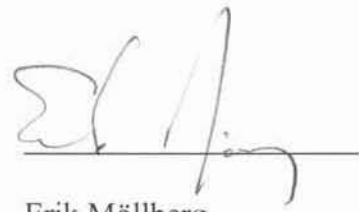
Therefore, the Commission must not accept the claims that alternative platforms reduce the need for PEG channels and PEG support. They are based on a misrepresentation of the nature of media. For while advances introduced by the digital age can offer additional platforms for sharing PEG programming, these additional platforms will never replace PEG channels so long as the television is the primary source of video communications in this nation.

#### **IV. Conclusion**

Public Educational and Governmental channels must not only be part of any discussion on the future of media and information needs of communities in a digital age, PEG must be a part of the digital age. The Commission must understand that that unless it actively encourages development of public access as it did in the 1970's, there is no guarantee that public access will remain in our future. And that would be a grave loss for communities around the country.

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May 7, 2010



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